Supreme Court, U.S.
FILED

No. 961926 APR 14 1997

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1996

GERALDINE WILLIAMS
AND
WOODROW WILLIAMS, JR.

Petitioners,

- v -

FRANKLIN FIRST FEDERAL SAVINGS BANK AND
SHERIFF OF LUZERNE COUNTY,
SHERIFF'S DEPARTMENT OF LUZERNE COUNTY

Respondents.

On Petition For Writ of Certiorari
To The Supreme Court of Pennsylvania
Middle District

PETITION FOR WRIT OF CERTIORARI

Woodrow Williams, Jr.
Geraldine Williams
pro se
110 Water Street
Gaithersburg, MD 20877
(301)258-9592

QUESTIONS PRESENTED FOR REVIEW

1. Is Franklin responsible under the law for extensive damage that had occurred to the property while Franklin was in possession of the property in question by virtue of a Deed of Trust issued by the Sheriff to Franklin.

2. Is Franklin responsible for real estate taxes due and payable while Franklin had the property in their possession for three years by virtue of a Deed of Trust issued by the Sheriff's Department to Franklin.

3. Is The Sheriff's Department responsible for allowing a wrongful foreclosure after the Sheriff's Department received Notice of Bankruptcy.

4. Whether the lower courts improperly applied the Standards of Law regarding the automatic stay under the applicable Bankruptcy Code, 11 U.S.C.A. 362 afforded to the petitioner in a bankruptcy proceeding. The lower court completely ignored the issues of Franklin and the Sheriffs' Department having been served notice of a bankruptcy proceeding and **after notice of bankruptcy** having gone forward with a foreclosure **without** a Lift Stay Hearing. **A Federal Judge by Order of the Court, Ordered real property returned to the Petitioners declaring that the foreclosure sale of said property by Franklin and the Sheriff's Department was invalid and shall be set aside with all expenses to be born by Franklin.**

11 U.S.C. 362 states that an individual injured by a violation of the automatic stay shall recover actual damages, including costs and in appropriate circumstances, may recover punitive damages.

QUESTIONS PRESENTED FOR REVIEW - CON'T

5. Whether the Lower Court misinterpreted Pennsylvania Rules 3135, 3136 and 3133, which states that by accepting a valid Sheriff's Deed, Franklin had the sole responsibility of paying the taxes, maintaining the property and clearing all liens of record against said property. Franklin had the property in their possession for three years before Judge Gibbons, in Federal Bankruptcy Court, returned the property to the Petitioners. For this period of three years, real estate taxes fell into arrears and the property was permitted to suffer waste and deterioration.

6. Whether the Lower Court misinterpreted and skated the issues that there never was a trial afforded the Petitioners, that the Petitioners were denied a hearing in open court in the Court of Common Pleas of Pennsylvania, Luzerne County, and that the Respondents misrepresented to the Panel of the Superior Court in Philadelphia the value of the property.

7. Whether the Lower Court improperly applied the Standards articulated in Federoff v. Harrison Construction Co., 163 Pa. Super. 53, 60 A.2d 334 (1948), where it was held that negligence can be justifiably inferred and warranted where proof of an intentional act is insufficient and the harm is the same whether the breach of duty to the Petitioners by Respondents was intentional or unintentional; and in Beardell v. Western Wayne School District, 91 Pa. Cmwlth. 348, 496 A.2d 1373 (1985), where it was held that the trial court abused its discretion in not allowing the pleadings to be amended to allow full development of a party's theories and averments.

8. The denial of Appeal by The Supreme Court of Pennsylvania, Middle District, is contradictory to Amendment XIV of the United States Constitution, which provides:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside or their property is located. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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B.....Petition to Set Aside Sale
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JURISDICTION

This is a Petition for Writ of Certiorari, this date, April 14, 1997, from a Per Curiam Order and Denial of an Appeal by The Supreme Court of Pennsylvania, dated January 21, 1997. Copy of Order Attached (Exhibit A).

STATEMENT OF THE CASE

The Petitioners, Geraldine Williams, native of Pennsylvania, and Woodrow Williams, Jr., hereinafter referred to as Petitioners, had a mortgage dated August 19, 1977, with Franklin First Federal Savings and Loan Association of Wilkes-Barre n/k/a Franklin First Federal Savings Bank, 44 West Market Street, City of Wilkes-Barre, County of Luzerne, Commonwealth of Pennsylvania, hereinafter referred to as Franklin.

The property is known as R.D. 1, Box 17B, 1007 Meadow Run Road, Oak Hill Park, Bear Creek Township, Luzerne County, Pennsylvania. Sometime in the latter part of 1985, there was a banking merger and it was during this time that Franklin lost two payments that the appellants had made. The appellants made several trips to Franklin to try and resolve this matter and brought to Franklin copies of canceled checks for these two payments. However, Franklin's mortgage department refused to acknowledge these payments or credit the mortgage properly. Phone calls were placed to the President of Franklin to further resolve this situation when Franklin's mortgage department proceeded with foreclosure proceedings against the appellants in 1986.

Due to unfortunate circumstances, the appellants then found it necessary to file for bankruptcy in 1986 in Maryland, the state where the appellants have been residing. Franklin was

listed as a debt on the bankruptcy filing and Franklin and Franklin's attorney was sent notice of the initial bankruptcy filing and Franklin and their attorney received Notice of Suggestion of Bankruptcy on February 3, 1987 and said notice was stamped by the Prothonatary's office on February 3, 1987 at 12:36 p.m., (exhibit A). In a long distance telephone conversation with the Sheriff's Department on February 3, 1987, **before the foreclosure sale**, the Sheriff's Department acknowledged the fact that they knew about the bankruptcy filing and assured the petitioners that the foreclosure would not go forward. **The attorney for Franklin and Franklin never filed for lifting of the automatic stay imposed by U.S.C. 362 of the Federal Bankruptcy Code.**

Instead, Franklin and the Sheriff's Department proceeded with the foreclosure on February 6, 1987, **unknown to the petitioners**. In March when the petitioners traveled to

Pennsylvania, the petitioners found the locks on the house changed and the petitioners were unable to enter the house. On May 11, 1987, Attorney Stephen Fendler, filed a Petition to Set Aside Sale and on May 13, 1987, Judge Patrick O'Toole, Jr., issued an Order for a Rule to be issued upon Franklin to show cause why the Sheriff's Sale of the premises known as R.D. 1, Box 17B, 1007 Meadow Run Road, Oak Hill Park, Bear Creek Township, Luzerne County, Pennsylvania, should not be set aside and why the Sheriff's Deed to Franklin should not be stricken and declared void and why the petitioners should not be awarded attorneys fees, costs, and punitive damages, (Exhibit B). Franklin nor the Sheriff's Department responded to this Order.

Approximately April of 1989, petitioners appeared in Court before Federal Judge Thomas C. Gibbons, for the purpose of determining the validity of the foreclosure by Franklin and the Sheriff's

Department. **On June 13, 1989, Judge Gibbons Ordered the foreclosure invalid and set aside and further Ordered that with this conveyance back to the petitioners, all costs be borne by Franklin, (Exhibit C).**

On October 10, 1989, the petitioners sent a letter to Judge Gibbons, stating that Franklin and its attorney, Robert Spielman, did not comply with Judge Gibbon's Order and the petitioners had not received a Deed and the keys to the property. Shortly, thereafter, the petitioners received the keys and the reconveyance to the property. **Upon inspection of the property in October, 1989, petitioners found considerable damage to the basement structure of the home which is crumbling and one wall is caving in excessively and needs to be reconstructed in addition to other damages inside and outside of the home. This damage resulted from the negligence by Franklin over the years since the foreclosure and**

continuing to the present with the loss of use of the home due to the uninhabitable condition still prevailing, and the petitioners have continued to be denied the use of the property by Franklin and the Sheriff's Department. Franklin never paid any taxes owed from the time of the foreclosure, February 6, 1987 to the reconveyance in October 1989, almost three (3) years with the taxes doubling every year. Franklin did not release the liens of record when Franklin accepted the valid Sheriff's Deed, (Exhibit D). The basis of the Respondents' denial of responsibility is that these claims have been litigated before. The Petitioners deny this claim which is supported by documented evidence showing **no litigation having taken place before,** non-payment of taxes by Franklin for three years and the refusal of Franklin to pay for damages to the house while in Franklin's possession. During the entire time from February 3, 1987 to the

present, Petitioners have been denied the use of this property.

Petitioners engaged Attorneys, Krawitz and Krawitz of Pennsylvania to represent their interests. Thereafter, and in further response to the motion for summary judgment the Petitioners' attorney, Steven Krawitz, filed a response and a brief with the Court of Common Pleas of Luzerne County, Wilkes-Barre, PA. On the 10th of May, 1995, Judge Mundy of the Court of Common Pleas of Luzerne County entered an Order in favor of the Respondents and granted Summary Judgment. On May 30, 1995, a Notice of Appeal from said Summary Judgment was filed. Pursuant to Pennsylvania Rules of Procedure, Pa. R.A.P. 3517, the Petitioners filed a docketing statement on June 23, 1995.

ARGUMENT

The Petitioners' argument is based upon the trial court's failure to allow a trial by jury which is

mandated by law when there is genuine issues as to any material fact to be resolved.

The Petitioners' argument revolves around an improper foreclosure sale conducted by the Sheriff and prompted by Franklin, **which said sale took place after the filing of the notice of bankruptcy in Luzerne County**. Federal Judge Gibbons later determined in his Opinion and Order dated June 13, 1989, that,

> "Judgment shall be entered in favor of the debtors against the movant, Franklin First Federal Savings and Loan Association of Wilkes-Barre, declaring that the foreclosure sale of debtors' real property located at R.D. #1, Box 17B, Meadow Run Road, Oakhill Park, Bear Creek, Luzerne County, Pennsylvania, is invalid and shall be set aside; and further
>
> ORDERED that Franklin First Federal Savings and Loan Association of Wilkes-Barre shall reconvey the above-stated real property to debtors....without cost to the debtors".

Judge Gibbons also opined in the aforesaid opinion and order that, "there is a presumption and, indeed, a likelihood that Franklin was notified of the Bankruptcy prior to the Sheriff's Sale".

In short, Petitioners lost their property by reason of a foreclosure sale that should not have happened. Appellants did not recover the property until approximately three years later. During that time the property experienced severe waste and structural damage. At the time of said foreclosure sale, there were no real estate taxes due and owing to the municipality. Upon return of the property to the petitioners, real estate taxes were in arrears for three years. Petitioners are also entitled to damages for loss of use and waste to the property as a result of the wrongful sale/purchase and ownership of Franklin and the subsequent neglect of the property.

The U.S. Bankruptcy Court's determination that violation of the automatic stay by Respondents was not intentional or "willful" certainly does not collaterally estop Petitioners from asserting claims for damages as a result of the wrongful, improper, unintentional and negligent violation of the automatic stay ***qua*** foreclosure sale and damages

reasonably flowing therefrom, precipitated thereby, and as a natural consequence thereof. Indeed, just as in ***Federoff, supra,*** the harm is the same whether the breach of duty to the Petitioners by Respondents was intentional or unintentional. The Bankruptcy Court had no jurisdiction, to award damages to Petitioners as debtors for the violation of the automatic stay committed unintentionally or without willfulness. To now say that Petitioners cannot seek redress for their financial harm here would be to virtually annihilate half of the well and long established law of torts.

Petitioners, Woodrow Williams and Geraldine Williams, filed an Appeal with the Pennsylvania Superior Court seeking to overturn the lower courts decision. On April 1, 1996, the Superior Court affirmed the judgment of the Court of Common Pleas of Luzerne County. The Petitioners then filed Application with the Pennsylvania Superior Court on April 10, 1996,

requesting Reargument/Reconsideration of the Decision. The Petitioners' Application was denied per curiam on June 4, 1996.

STATEMENT OF REASONS FOR THE ALLOWANCE OF A PETITION FOR WRIT OF CERTIORARI

1. Whether a Panel of the Supreme Court of PA improperly applied the Standards of law regarding the automatic stay under the applicable Bankruptcy Code, 11 U.S.C.A. 362 afforded to the petitioners in a bankruptcy proceeding.

The Panel completely ignored the issues of Franklin and the Sheriffs' Department having been served notice of a bankruptcy proceeding and after notice having gone forward with a foreclosure and without a Lift Stay Hearing. Summary judgment was not properly granted in a case where a Federal Judge by Order of the Court, Ordered real property returned to the Petitioners declaring that the foreclosure sale of said property by Franklin and the Sheriff's Department was invalid and shall be set aside with all expenses to be born by Franklin. Summary Judgment should only be granted if all

pleadings, depositions and answers to interrogatories together with affidavits, if any, show that there is no genuine issue of material fact and that the moving party would be entitled to judgment as a matter of law. Entry of summary judgment may only be granted in cases where the right is clear and free from doubt. When considering the motion for summary judgment, the Court is to examine the record in the light most favorable to the nonmoving party and giving the nonmoving party the benefit of all reasonable inferences which may be drawn therefrom, ***Hower vs. Whitmak Assoc., supra***. A motion for summary judgment is designed to provide a speedy method for determining whether or not there is a question of fact, and, if no such question is present, to provide for a prompt determination of questions of law. Pa.R.C.P. 1035, ***Vend-a-matic, Inc. v. Frankford Trust Company***, 296 Pa. Super. 492, 442 A.2d 1158 (1982). A motion for summary judgment is

only appropriate when there is no genuine issue of fact in dispute. Pa.R.C.P. 1035(b); ***Barber v. Harleysville Mutual Insurance Company***, 304 Pa. Super. 355, 450 A.2d 718 (1982).

The genuine issues of material fact which must be presented to the Court and why summary judgment should not be issued revolves around the indisputable facts that; (a) Franklin and the Sheriff's Department knew about the bankruptcy filing, but, nevertheless, proceeded with the foreclosure sale without obtaining a lift stay; (b) Franklin accepted a Sheriff's Deed to the property and while this property was in the possession of Franklin, taxes were not paid for 3 years; (c) when Franklin accepted the Sheriff's Deed, Franklin was required to clear the record of all liens against the property which Franklin did not do; (d) while in Franklin's possession, the property was allowed to deteriorate making it uninhabitable and dangerous; and (e) Franklin's actions and the actions by the Sheriff's

Department have not only deprived the appellants of the use of this property for years but have created undue hardships.

In the reported decision of Judge Gibbons regarding the post-petition Sheriff Sale of the subject real estate in the bankruptcy, ***In re Williams,*** 100 B.R. 726, 729 (Bkrtcy. M.D.Pa., 1989), it was held and affirmed that any creditor listed as such in the bankruptcy petition is presumed to have received notice from the bankruptcy clerk of the filing of the bankruptcy. Notice was mailed and stamped by the prothonatary as received, (attached as Exhibit A). Said filing occurred in this case on January 12, 1987, a month before the foreclosure sale occurred. Judge Gibbons recited the fact that Franklin was properly listed as a creditor in the initial bankruptcy petition and schedule. Thus, Franklin knew of the bankruptcy filing, but, nevertheless, proceeded with the foreclosure sale.

Collateral estoppel has been raised by the Respondents and the motion for summary judgment based on collateral estoppel and res judicata has as its basis that Judge Gibbons found that Franklin's violation of the automatic stay was not "willful" under the applicable Bankruptcy Code provision 362(h), which states: "an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages."

Petitioners contend that the Recorder of Deeds Office of Luzerne County and the Sheriff's Office did receive timely notice of the bankruptcy filing despite Judge Gibbon's finding to the contrary, (See Exhibit A). The issue of a negligent or unintentionally tortious violation of the automatic stay provisions which caused the damages claimed by the Appellants remains.

2. Whether a Panel of the Supreme Court

of PA misinterpreted Pennsylvania Rules 3135, 3136 and 3133, which states that by accepting a valid Sheriff's Deed, Franklin had the sole responsibility of paying the taxes, maintaining the property and clearing all liens of record against said property.

Franklin had the property in their possession for three years before Judge Gibbons returned the property to the Petitioners. For this period of three years, real estate taxes fell into arrears and the property was permitted to suffer waste and deterioration. Federal law established and imposed a duty on Franklin and the Sheriff not to proceed with the Sheriff Sale once the bankruptcy was filed. Respondents knew of the filing of the bankruptcy. Respondents breached the duty by proceeding with the sale. As a result, Franklin received a property at sale which had not real estate taxes due and owing, and was in good and habitable condition. Legal title was taken and recorded. Approximately three years later, Judge Gibbons directed Franklin to reconvey the property to the Appellants. At the

time of reconveyance, taxes for the period of time that Franklin held title were due and owing, and the property had been permitted to waste and deteriorate due to Franklin's neglect, which, as owner and unwitting bailee, it had a duty to prevent.

Therefore, it is submitted that unintentional tortious conduct and harm has been sufficiently alleged. Respondents' have had ample notice of such claims.

3. Whether a Panel of the Superior Court misinterpreted and skated the issues that there never was a trial afforded the Appellants, that the Appellants were denied a hearing in open court in the Court of Common Pleas of Pennsylvania, Luzerne County, and that the Appellees misrepresented to the Panel of the Superior Court the Value of the property.

The Panel of the Superior court of Philadelphia ignored the deliberate false statement made by the Respondents in open court to the Panel regarding misrepresentation of the value of the property which Respondents said was $30,000 or less. The Respondents filed a Realty Transfer Tax

Statement of Value (Exhibit F) with the Recorder of Deeds of Luzerne County which states that the value of the property in 1990 is $82,049.50.

4. Whether a Panel of the Superior Court improperly applied the Standards articulated in Federoff v. Harrison Construction Co., 163 Pa. Super. 53, 60 A.2d 334 (1948), where it was held that negligence can be justifiably inferred and warranted where proof of an intentional act is insufficient and the harm is the same whether the breach of duty to the Petitioners by Respondents was intentional or unintentional; and in Beardell v. Western Wayne School District, 91 Pa. Comwlth. 348, 496 A.2d 1373 (1985), where it was held that the trial court abused its discretion in not allowing the pleadings to be amended to allow full development of a party's theories and averments.

Thus it is submitted that allegations and pleadings of an intentional or willful act reasonably infer such tortious conduct may have occurred unintentionally or negligently. To the extent necessary, Appellants should be permitted to amend their pleadings to include the allegations of negligence or unintentional tortious violation of the provisions of the automatic stay if the Court should find that the same are not reasonably inferred from

the pleadings in their present form. ***See Beardell v. Western Wayne School District,*** 91 Pa. Cmwlth. 348, 496 A.2d 1373 (1985), where it was held that the trial court abused its discretion in not allowing the pleadings to be amended to allow full development of a party's theories and averments. The Court held that amendment to the pleadings should be liberally granted. ***See also, Daley v. John Wanamaker,*** 317 Pa. Super. 348, 464 A.2d 355 (1983).

If the Petitioners' amendment adds to or amplifies the original complaint or if the original complaint states a cause of action showing Petitioners have a legal right to recover what is claimed in the subsequent amended pleading, it is held that a new cause of action is said not to exist. ***Wilson v. Howard Johnson Restaurant,*** 421 Pa. 455, 460, 219 A.2d 676 (1966). Moreover, it has been held that negligence can be justifiably inferred and warranted where proof of an intentional act is

insufficient. ***Federoff v. Harrison Construction Co.***, 163 Pa. Super. 53, 60 A.2d 334 (1948).

Franklin reconveyed the property in July of 1989 under judicial compulsion, and returned access to the property several months thereafter to Petitioners. For the period of approximately three years, real estate taxes fell into arrears and the property was permitted to suffer waste and deterioration. During this period, Petitioners had no legal right to attempt to prevent such waste and deterioration, and it would certainly be ridiculous to suggest that the Petitioners should pay taxes, insurance or any mortgage encumbrances on a property to which they no longer had title. Such harm is clear and a direct result of the tortious conduct of the Respondents, whether it is intentional or unintentional.

The U.S. Bankruptcy Court's determination that violation of the automatic stay by the Respondents was not intentional or "willful"

certainly does not collaterally estop the Petitioners from asserting claims for damages as a result of the wrongful, improper, unintentional and negligent violation of the automatic stay and the subsequent foreclosure sale and damages reasonably flowing therefrom, precipitated thereby, and as a natural consequence thereof, qua. As in ***Federoff, supra,*** the harm is the same whether the breach of duty to the Petitioners by Respondents was intentional or unintentional. The Bankruptcy Court had no jurisdiction to award damages to Petitioners as debtors for the violation of the automatic stay committed unintentionally or without willfulness. To now say that Petitioners cannot seek redress for their financial harm here would be to virtually annihilate half of the well and long established law of torts.

Permitting the Petitioners to proceed on a theory of unintentional, as distinguished from willful, conduct presents no surprise or prejudice as

to the Petitioners, as allegations of willfulness and intentional conduct subsume, and give sufficient notice of a claim for, unintentional, careless and negligent conduct by the Respondents. The Complaint can reasonably be construed to allege unintentional or negligent conduct on the part of the Respondents, even without amendment.

5. The Panel ignored Amendment XIV of the United States Constitution, which provides that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws; and the Panel ignored 11 U.S.C. 362 of the Bankruptcy Code which states that an individual injured by a violation of the automatic stay shall recover actual damages, including costs and in appropriate circumstances, may recover punitive damages.

The Federal Bankruptcy law in no way confiscates the Petitioners/Debtors state court remedies for financial harm caused as a result of cognizable tortious conduct. Those remedies continue to be available to the Petitioners/Debtors even during the pendency of a bankruptcy and

afterwards. Petitioners should be permitted to pursue compensation for harm as the clear, direct and natural result of a Sheriff Sale that should never have taken place.

Certain facts are undisputed: The Sheriff Sale occurred three (3) days after the institution of the automatic stay provisions under Federal Bankruptcy Law. By definition, a violation of that automatic stay occurred by virtue of the conducting of the Sheriff Sale. At the time Franklin took possession and ownership of the property following the Sheriff Sale it had actual or constructive knowledge of the automatic stay as did Luzerne County; real estate taxes were up to date and the premises were habitable and in good repair. At the time of the reconveyance of legal title and restoration of access to the property to the Petitioners following Judge Gibbons' order, the contrary was true. Nothing in the Bankruptcy Code or Judge Gibbons' decision, precludes or forecloses

any other civil remedy on an unintentional tort or negligence standard.

The Appellants should receive compensation adequate to return the subject premises to its pre-Sheriff Sale condition as well as compensation for almost three years of municipal tax arrearage and loss of use while appellants were out of ownership and possession plus the continuing loss of use by reason of the dilapidated condition resulting from the neglect of the Appellees.

ASSESSMENT OF DAMAGES

1. TAXES (approximately) $ 38,000

2. DAMAGE TO PROPERTY (approximately) 35,000

3. Loss of use of the property based on a possible $500 per month rental fee - 1987 to 1997 (131 months) 65,500

4. Loss of use and enjoyment of the property for 11 years due to the invalid and improper foreclosure as determined by Order of a Federal 275,000

Bankruptcy Judge @ $25,000 per year

6. FRANKLIN TO SATISFY MORTGAGE

Approximately $30,000 with no actual money paid by bank since Franklin, long ago, realized an advantage by writing off this loan.

Franklin has continued to harass Petitioners by continuing to send statements of monies due and interest charged. Excerpts from a transcript in bankruptcy court shows that Mr. Johnson, Vice President, testified under oath that Franklin <u>does not</u> hold any note due on this property signed by the Petitioners, (Exhibit E), and therefore, the original mortgage must be satisfied of record. Also excerpted, is testimony in Bankruptcy Court by Mr. Johnson as to the fact that Mr. Johnson was in the President's office when the Petitioners placed a long distance call to the President to try and resolve the matters long <u>before</u> foreclosure.

An assessment of attorney's fees are not

included in the above and must be made part of any settlement.

The Sheriff and his Department has a civic and legal duty to society to make certain foreclosures do not occur erroneously or improperly. An assessment of damages must also be made against the Sheriff's Department.

The appellants believe that a fair settlement would be $1,000,000 (one million dollars) to be divided equally between Franklin and the Sheriff's Department or any division between Franklin and the Sheriff's Department that the Court deems appropriate.

CONCLUSION

Based upon the analysis set forth above along with the foregoing reasons and the Authorities set forth hereinbefore, the decision of The Supreme Court of Pennsylvania to deny the Allowance of an Appeal by the Petitioners and to further deny their citizen's right to due process and judicial review

and a trial by jury is in direct conflict with this Court's earlier holdings.

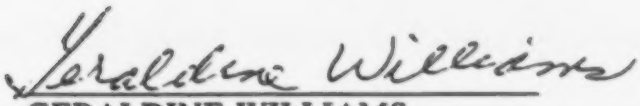
Congress designed an integrated, balanced statutory scheme to enable debtors in financial distress to reorganize. This scheme requires time and constructive negotiation among all parties in interest. The Bankruptcy Code should balance the rights and remedies of all parties in order to effect Congress' design.

The Petitioners, therefore, prays that this Court reverse the holding of the court below and remand for proceedings consistent with such reversal.

The interests at stake in this case are comparable to others in which this Court has not hesitated to review decisions from the Courts of Appeals. Accordingly, the petition should be granted.

RESPECTFULLY SUBMITTED,

WOODROW WILLIAMS, JR.



GERALDINE WILLIAMS
pro se
110 Water Street
Gaithersburg, Maryland 20877
301-258-9592

DATED: April 14, 1997

EXHIBIT A

IN THE SUPERIOR COURT OF PENNSYLVANIA

GERALDINE WILLIAMS AND
WOODROW WILLIAMS, JR.,

Appellants

v. No. 1955 Philadelphia 1995

FRANKLIN FIRST FEDERAL SAVINGS
BANK AND SHERIFF OF LUZERNE
COUNTY

Appeal from the Order Entered May 5, 1995,
in the Court of Common Pleas of Luzerne County,
Civil Division, No. 3342-C of 1990

BEFORE: HUDOCK, FORD ELLIOTT,
AND CERCONE, JJ.

J U D G M E N T

ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that the judgment of the Court of Common Pleas of LUZERNE County be, and the same is hereby AFFIRMED. JURISDICTION RELINQUISHED.

BY THE COURT:
/S/ PROTHONOTARY

Dated: April 1, 1996

IN THE COURT OF COMMON PLEAS
FOR LUZERNE COUNTY

FIRST FED'L SAVING LOAN ASSOCIATION
OF WILKES-BARRE N/K/A
Franklin First Fed'l Saving Loan
Association of Wilkes-Barre NC 3807-C of 1986

Plaintiff

vs.

Woodrow W. Williams, Jr.
Geraldine J. Williams

Defendants

SUGGESTION OF BANKRUPTCY

MADAME CLERK:

Please note that the defendant Woodrow Williams has filed a single chapter 13 Bankruptcy Petition, Case No. 874-0043 on January 12, 1987, in the U.S. Bankruptcy Court for the District of Maryland (Rockville). A copy of the petition is attached hereto as exhibit A.

Note that title 11 U.S.C. 362 automatically stays further civil proceedings after the original petition has been filed.

Please make an entry noting the same and file this suggestion.

Woodrow W. Williams
12517 South Stable House Ct.
Potomac, Maryland 20854

CERTIFICATE OF SERVICES

I HEREBY CERTIFY that on this 2nd day of February 1987 a copy of the aforegoing Suggestion of Bankruptcy was mailed by first class mail, postage prepaid, to Robert Danberg, 15 South Franklin Street, Wilkes-Barre Pa 18711, and Thomas Lackey, Bankruptcy Trustee, 3231 Superior Lane, Ste K-21, Bowie, MD 20715.

/S/_____

Joseph S. Friedman, Esq.
1025 Vermont Ave., Ste 1200
N.W. Washington, D.C. 20011
202-737-2220

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

GERALDINE WILLIAMS AND WOODROW WILLIAMS

Petitioners

416 M.D.A

Dkt. 1996
Petition for Allowance of Appeal from Order of the Superior Court

vs.

FRANKLIN FIRST FEDERAL SAVINGS BANK AND SHERIFF OF LUZERNE COUNTY

Respondents

ORDER

PER CURIAM

AND NOW, this 17th day of January, 1997, the Petition for Permission to Respond to Opposition is denied. The Petition for Allowance of Appeal is denied.

True and Correct Copy
Attest: Jan 21, 1997

/S/_____
Joan L. Stehulak, Esquire
Deputy Prothonotary

EXHIBIT B

IN THE SUPREME COURT OF COMMON PLEAS
OF LUZERNE COUNTY

FIRST FEDERAL SAVINGS AND
LOAN ASSOCIATION oF WILKES BARRE,
ACTION LAW n/k/a FRANKLIN FIRST
FEDERAL SAVINGS AND LOAN
ASSOCIATION or WILKES-BARRE,

Civil
Law
NO.
3807-C
1986

Plaintiff

v.

WOODROW W. WILLIAMS, JR. *and*
GERALDINE J. WILLIAMS,

Defendants

PETITION TO SET ASIDE SALE

Petitioners, Woodrow W. Williams, Jr. and Geraldine J. Williams, his wife, by and through their counsel, WINKLER, DANOFF AND LUBIN, Stephen J. Fendler, Esq. representing, represent the following:

1. That Petitioners are adult individuals currently residing at 12517 South Stable House Court, Potomac, Maryland.

2. That Respondent, First Federal Savings and Loan Association of Wilkes-Barre n/k/a Franklin First Federal Savings and Loan Association of Wilkes-narre, is a banking institution authorized to conduct business in Luzerne County, Pennsylvania, with a registered office situate at 44 West Market Street, Wilkes-Sarre, Luzerne County, Pennsylvania.

3. That petitioners were the owners of a certain premises improved with a single family dwelling more commonly known as R.o. 1, Box 173, Meadow Run Road, Oak Hill Park, Bear Creek Luzerne County, Pehnsylvania.

4. That on or before January 2, 1987, the aforesaid premises were to~be exposed to Sherift's Sale by the Respondent, First Federal Savings and Loan Association of Wilkes-narre n/k/a Franklin First Federal Savings and Loan Associatton of WilkesBarre, captioned to the above

term and number.

5. That prior to January 2, 1987, at the request of the Petitioners, the aforesaid sale was postponed by the Sheriff of Luzerne County due to the impending filing of a Petition in Bankruptcy by the Petitioner, Woodrow W. Williams, Jr.

6. That on January 12, 1987, Petitioner, Woodrow W. Williams, Jr., filed a chapter 13 Bankruptcy Petition in the united States Bankruptcy Court for the District of Maryland (Rockville) taptioned to Case No. 874-0093.

7. That the aforesaid Bankruptcy Petition specifically encompassed the subject premises commonly known as u.n. 1, Box 175, Meadow Run Road, Oak Hill Park, Bear Creek, Luzerne County Pennsylvania and listed as a debtor the Respondent herein, FirsFederal Savings and Loan Association of Wilkes-Barre n/k/a Franklin First Federal Savings and Loan Association

of Wilkes-Barre.

6. That on February 3, 1967, a. suggestion of Bankruptcy and accompanying copy of the Bankruptcy petition was filed by the petitioners with the prothonotary of Luzerne County captioned to the above term and number.. A true and correct copy of said suggestion of Bankruptcy and Bankruptcy petition are attached hereto, incorporated herein, and marked as Exhibit A.

9. That on or before February 6, 1967, the petitioners notified the Office of the Sheriff of Luzerne county that the petition in Bankruptcy had been filed and that the sale of the aforesaid premiSes should be again postponed.

10. That *on* February 6, 1997, the sheriff of Luzerne county at the behest of the Respondent, First Federal Sayings and Loan Association of wilkes-Barre n/k/a Franklin First Federal Savings and Loan Association

of wilkes-Barre, exposed the aforesaid premises to Sheriff's sale.

11. That the Respondent, First Federal savings and Loan Association of Wilkes-Barre n/k/a Franklin First Federal Savings and Loan Association of wilkes-Barre, was the successful bidder at the aforesaid sheriff's sale.

12. That the sale of the aforesaid premises was clearly unlawful and improper by virtue of the petitioner, woodrow W. Williams, Jr., having filed a petition in Bankruptcy and, Specifically by virtue of the automatic stay provision set forth in the Bankruptcy Code at Title 11 U.S.C. section 362.

13. As a result of the Respondent's willful vioLation of the automatic stay provision contained in the Bar.kruptcy Code, Petitioners are entitled to recover their actual damages, including all cQsts, attorneys fees, and punitive damages.

WHEREFORE, petitioners pray that this Honorable Court issue a Rule upon the Respondents to show cause why the sheriff's Sale of the premises known as u.n. 1, Dcx 178, Meadow Run Road, Oak Hill park, Bear Creek, Luzerne County, Pennsylvania, should n6t be set aside and why the Sheriff's deed to Franklin First Federal savings and Loan Association of wilkes-Barre should not be stricken and declired void and, also, why the Petitioners should not be awarded attorneys fees, costs and punitive amages.

Respectfully submitted,

Winkler, Danoff and Lubin

BY: /s/ Stephen Fendler, Esq.
Attorneys for Petitioners
304 Wilkes-Barre Center
39 Public Square
Wilkes-Barre, PA 18711

VERIFICATION

We, Woodrow W. Williams, Jr. and Geraldine J. Williams, do hereby verify that we are the Petitioners herein, that we have read the foregoing PETITION TO SET ASIDE SALE and that the facts contained therein are true and correct to the best of our knowledge, information and belief. This verification is made subject to the penalties of 18 Pa.C.S., Section 4904 with respect to unsworn statements to authorities.

_____
Woodrow W. Williams, Jr.

_____
Geraldine J. Williams

DATED: May 11, 1987

EXHIBIT C

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

Woodrow Williams, Jr. and Geraldine Williams — Bankruptcy No. 5-87-0126 (Misc.)

Debtors

ORDER

AND NOW, at Wilkes-Barre, this 13th day of June, 1989, it is hereby

ORDERED that judgment shall be entered in favor of the Respondent/Debtors and against the Movant, Franklin First Federal Savings and Loan Association of Wilkes-Barre, declaring that the foreclosure sale of debtors' real property located at R.D. #1, Box 17B, Meadow Run Road, Oak Hill Park, Bear Creek, Luzerne County, Pennsylvania, is invalid and shall be set aside; and further

ORDERED that Franklin First Federal Savings and Loan Association of Wilkes-Barre shall reconvey the above stated real property to Respondents/Debtors and all recording

fees and other fees associated with the reconveyance together with the preparation of the Deed and other documents shall be borne by Movant, Franklin First Federal Savings and Loan Association of Wilkes-Barre; and it is further

ORDERED that the clerk of the court shall enter this document as the judgment of the court.

BY THE COURT

/S/_____
THOMAS C. GIBBONS
Bankruptcy Judge

EXHIBIT D

Know all Men by these Presents,

That I, FRANK J. JAGODINSKI ---------- *Sheriff of the County of Luzerne, in the State of Pennsylvania, for and in consideration of the sum of* TWO THOUSAND THREE HUNDRED TWENTY-FOUR AND 56/100 ---------- ($2,324.56) ---------- *dollars, to me in hand paid, do hereby grant and convey to*

FRANKLIN FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION OF WILKES-BARRE
44 WEST MARKET STREET
WILKES-BARRE, LUZERNE COUNTY,
PENNSYLVANIA

ALL the surface and right of soil only to that certain piece or parcel of land situate in the Township of Bear Creek, Luzerne County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point in the westerly side line of the 50.00 foot wide State Highway Legislative Route No. 40043, leading in a northeasterly direction to Thornhurst, and in the dividing line between lots Numbers 167 and 168 on plot of lots known as "Oak Hill Park", Section "B", hereinafter mentioned. Said beginning point being also distant about 4893.03 feet measured in a northeasterly direction along the westerly side line of said State Highway from the northerly side of the 100.00 foot wide state highway, Legislative Route Number 169;

THENCE from said beginning point and along the said dividing line between lots numbers 167 and 168, North 73 degrees 43 minutes West 800.00 feet to a point in line of lands contracted now or late to be conveyed by Behrens Realty, Inc. to Joseph M. Perugino, et al.;

THENCE from said point and along the line of said lands, North 16 degrees 17 minutes East, 200.00 feet to a point in the dividing line between lots numbers 168 and 169;

THENCE from said point and along the said dividing line, South 73 degrees 43 minutes East, 800.00 feet to a point in the aforesaid westerly side line of the Highway;

THENCE from said point and along the westerly side line of the Highway, South 16 degrees 17 minutes West, 200.00 feet to a point, the place of beginning.

CONTAINING 3.673 acres of land, be the same more or less, and being a part of a larger tract of land laid out in the Warrant name of James Morgan.

BEING all of Lot No. 168 on plot of lots known as "Oak Hill Park", Section "B", as developed for the Behrens Realty, Inc. by the Sturdevant-Dilley Engineering Company, Ltd. of Wilkes-Barre, Pennsylvania, a map of said plot dated April 29, 1957 being on file in the office of said company.

BEING the same premises conveyed to Geraldine J. Williams by Deed of Geraldine J. Williams, Administratrix of the Estate of Alice Firda, dated October 31, 1975 and recorded in the Office of the Recorder of Deeds in and for Luzerne County in Deed Book 1885 at Page 1197.

UNDER AND SUBJECT to the same reservations, conditions, restrictions, covenants, exceptions and easements as appear in prior chain of title.

PREMISES improved with a single family, ranch dwelling more commonly known as R.D.#1, Box 17B, Meadow Run Road, Oak Hill Park, Bear Creek, Luzerne County, Penna.

TOGETHER with all buildings and improvements thereon.

the same having been sold by me to the said grantee on the

SIXTH ---------- *Day of* FEBRUARY --------- *Anno Domini one thousand nine hundred and* EIGHTY-SEVEN ---------- *, after due advertisement according to law, under and by virtue of a writ* OF EXECUTION ---------- ---------- *issued on the* TWENTY-FOURTH ---------- *day of* OCTOBER ---------- *Anno Domini one thousand nine hundred and* EIGHTY-SIX ---------- *out of the Court of Common Pleas of the County of Luzerne, State of Pennsylvania, as of* ----------*Term, one thousand nine hundred and* EIGHTY-SIX ---------- *, Number* 405 ---------- *at the suit of* FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE, NOW KNOWN AS, FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE

against GERALDINE J. WILLIAMS AND WOODROW W. WILLIAMS, JR., HER HUSBAND

said suit being No. 3807-C ---------- *Term, 19*86*, in said Court of Common Pleas of the County of Luzerne, Pennsylvania.*

In Witness Whereof, I have hereunto affixed my signature and seal of office this SEVENTEENTH ---------- day of FEBRUARY ---------- Anno Domini one thousand nine hundred and EIGHTY-SEVEN.

Frank J. Jagodinski Sheriff.

Commonwealth of Pennsylvania,
County of Luzerne } ss:

Before the undersigned, PROTHONOTARY ----------
of the Court of Common Pleas of Luzerne County, State aforesaid, personally appeared
FRANK J. JAGODINSKI ---------- , Sheriff of Luzerne
County aforesaid, and in due form of law declared that the facts set forth in the foregoing Deed
are true, and that he acknowledged the same in order that the said Deed might be recorded.
Witness my hand and the Seal of said Court, this SEVENTEENTH ----------
day of FEBRUARY ---------- Anno Domini one thousand nine hundred and
EIGHTY-SEVEN.

Eugene E. Duffy Prothonotary.

I hereby certify that the precise Name and Residence of the Grantee is:

Franklin First Federal Savings & Loan Association of Wilkes-Barre
Name

44 W. Market Street
Address

Wilkes-Barre, Luzerne, Pennsylvania
City, Borough or Township — County

Robert M. Daenberg
ROBERT M. DAENBERG, ESQ. Attorney for Grantee

RECORDED
STATE TAX PD.
FEB 17 ...

ARRE

ENTERED FOR RECO
at 1:25A M.
ARRE
FEB 17 1987

1103

Penna. Realty Tax
Affidavit Attached

Deed Poll.

FRANK J. JAGODINSKI

High Sheriff of Luzerne County,

—To—

FRANKLIN FIRST FEDERAL SAVING
& LOAN ASSOCIATION OF WILKES-
44 WEST MARKET STREET
WILKES-BARRE, LUZERNE COUNTY,
PENNSYLVANIA

Dated FEBRUARY 6, 1987

For PROPERTY IN BEAR CREEK
TOWNSHIP

Sold as the property of GERALDINE J.
WILLIAMS AND WOODROW W.
WILLIAMS, JR., HER HUSBAND

At the suit of FIRST FEDERAL SAVING
& LOAN ASSOCIATION OF WILKES-
N/K/A FRANKLIN FIRST FEDERAL
SAVINGS & LOAN ASSOCIATION OF
WILKES-BARRE

CONSIDERATION - - $2,324.56

ROBERT M. DANENBERG, ESQ.
15 SOUTH FRANKLIN STREET
WILKES-BARRE, PA. 18701

Recorded in the Office for the Recording of Deeds, etc., In and for Luzerne County, Pennsylvania in

Sheriff's Deed Book No. 2222 *Page* 756

Witness my hand and seal of office this 17th *day of* Feb *19* 87

Frank O'Boyle *Recorder.*

BOOK 2222 PAGE 753

EXHIBIT E

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

IN RE:

WOODROW W. & GERALDINE WILLIAMS Case No.
87-4-0966
87-4-0093

Debtors

December 18, 1990

U.S. Bankruptcy Court
451 Hungerfor Drive
Rockville, Maryland
20850

H E A R I N G

On Motion for Modification of Stay

B e f o r e:

THE HONORABLE E. STEPHEN DERBY, Judge

A p p e a r a n c e s:

GERALDINE WILLIAMS, Pro Se
WOODROW W. WILLIAMS, JR., Pro Se
On behalf of the debtor

MARVIN WALDMAN, ESQUIRE
STEPHEN ROTH, ESQUIRE
MICHAEL CORDONE, ESQUIRE
On behalf of Franklin First Federal Savings Bank

BY MS. WILLIAMS:

Q. Are you aware that we made two calls to the president of the bnak at that time to discuss our problem and he was unable to resolve the two checks that we could not get credit for and the fact that Mr. Herenzi was threatening and proceeding even though we had the property since 1977, proceeding with the foreclosure and actually did file the papers? Are you aware of that?

A. **Your question, I believe, is am I aware of two telephone conversations with the president of Franklin First Federal?**

Q. Right.

A. I am.

Q. The contents of the conversation was regarding the dispute over the two payments?

A. **The conversation was between you and the president, Ma'am. I was in his office while you were talking to him so I have some recollection as to what transpired.**

Q. You testified as to two mortgages by First Union Mortgage and the Small Business Administration. Do you have any additional knowledge to share with this Court in regard to those instruments?

A. I do not.

Q. So you agree that there might be additional additions and additional knowledge which this Court should have in regard to those two instruments. You testified on behalf of another bank's instrument?

A. I testified, Ma'am, as to what those instruments were.

Q. Right.

A. That is all I can tell, what they appear to be to me.

Q. And they were on the record as of the foreclosure date of February 6, 1987?

A. That is correct.

Q. I want to show you -- when you were at the foreclosure or your representative was at the foreclosure on February 6th was there a representative from First Union Mortgage or SBA there, to your knowledge?

A. I don't recall.

Q. I'd like to introduce this as Exhibit A. Is this an order issued by Judge Gibbons of the Bankruptcy Court June 13, 1989?

A. Dated what day Ma'am?

Q. June 13, 1989.

A. That's correct.

Q. And in the order does it -- Judge Gibbons is ordering Franklin First Federal to convey the property back, is that correct?

A. "Ordered that Franklin First Federal Savings and Loan Association of Wilkes Barre shall reconvey the above stated real property to respondents/debtors."

Q. Are you aware of the fact that the debtors never received a copy of the deed and that as far as the debtors were concerned the bank had not complied with the order?

A. That I am not aware of, Ma'am.

Q. And that the keys were not released to the debtor to comply with that order?

A. To the best of my knowledge, Ma'am, the keys were released to your counsel at that time, together with the deed for recording.

Q. Are you aware of the letter that was written to Judge Gibbons requesting that -- informing him that the bank and its counsel did not compoy with his orders in October of 1989?

A. I'm not familiar with that.

Q. And it was after that -- Is it your understanding that it was in October that the keys were released to the debtor?

A. I don't recall that the keys were in issue. The keys are not part of this order. We were ordered to reconvey the property.

Q. All right. Well then, are you aware that -- do you agree that the debtors did not receive any deed as of October 1989?

A. I would have to see the actual deed, Ma'am.

MS. WILLIAMS: I would like permission to admit that into evidence as Exhibit A.

THE COURT: Do you have any objection Mr. Roth?

THE COURT: Well, I haven't the foggiest idea of what you're talking about or whether that's authentic or not. You need to prove it. The question is are you objecting to the deed?

MR. ROTH: Yes, I am.

THE COURT: The ground is what? It's not authentic or it is authentic?

MR. ROTH: Well, I haven't seen the deed.

THE COURT: Have you looked at the order?

MR. ROTH: Yes, I have, I don't have any objections.

THE COURT: Respondent's Exhibit 1 will be admitted, which is the court order dated June 13, 1989.

(Respondent's Exhibit No. 1 was marked for identification, was received in evidence.)

THE COURT: Respondent's Exhibit 2 should be marked as the Sheriff's deed.

(Respondent's Exhibit No. 2 was marked for identification.)

MS. WILLIAMS: Your Honor, that deed -- do you have any objection to the deed? It is an authentic deed, is that correct?

MR. ROTH: I have no objection as to its authenticity, I have an objection as to its introduction at this time.

THE COURT: On the grounds of materiality?

MR. ROTH: Yes.

THE COURT: We'll argue that later. I will admit the deed as Respondent's Exhibit 2.

(Respondent's Exhibit No. 2 previously marked for identification, was received in evidence.)

THE COURT: Please continue, Ms. Williams.

BY MS. WILLIAMS:

Q. Mr. Johnson, would you please identify this for the court?

A. That is a deed dated July 11, 1989 from Franklin First Federal Savings and Loan Association of Wilkes Barre, now known as Franklin First Federal Savings Bank to Geraldine J. Williams for property located in Bear Creek Township, Luzerne County for a consideration of $1.00.

Q. In where in that deed is there any mention of a mortgage or subsequent mortgage or bond or any consideration of further money?

A. In this instrument is there?

Q. Yes.

A. No, Ma'am.

MS. WILLIAMS: I would like permission to enter this as Exhibit 3.

THE COURT: Mr. Roth, do you have any objection to Exhibit 3?

MR. ROTH: No I don't, Your Honor.

(Respondent's Exhibit No. 3 was marked for identification, was received in evidence.)

THE COURT: For the record we will note that the Respondent's Exhibit 2 which was called the Sheriff's Deed was the same document that is attached to the debtor's objection to motion to modification of stay in number 1574 as Exhibit A. The letter was an unlettered attachment -- on Respondent's Exhibit 1 it was an unlettered attachment of that same response. So if you have the response you should have the documents so far. Mr. Roth. I haven't seen this next document.

BY MS. WILLIAMS:

Q. Mr. Johnson, upon the issuance of the deed complying with Judge Gibbon's order did Woodrow Williams or Geraldine Williams sign any mortgage with a

new date on it, any bond, any other instrument of money in consideration of the return of that property?

A. They did not.

MS. WILLIAMS: Thank you. I have no further questions, Your Honor.

THE COURT: Mr. Roth?

MR. ROTH: I have no more questions, Your Honor.

THE COURT: Mr. Johnson, you may step down, thank you.

(The witness was excused.)

EXHIBIT F

REV. 183 EX (9-84)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
POST OFFICE BOX 8910
HARRISBURG, PA 17105-8910

#783

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY
State Tax Paid
Book Number
Page Number
Date Recorded

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name	Telephone Number:
ROSENN, JENKINS & GREENWALD BY: ROBERT SPIELMAN, ESQ.	Area Code (717) 826-5691

Street Address	City	State	Zip Code
15 South Franklin Street,	Wilkes-Barre,	PA	18711

B TRANSFER DATA

Date of Acceptance of Document

Grantor(s)/Lessor(s)	Grantee(s)/Lessee(s)
Franklin First Federal Savings and Loan Association of Wilkes-Barre n/k/a Franklin First Federal Savings Bank	Geraldine J. Williams
Street Address: 44 West Market Street	Street Address:
City: Wilkes-Barre; State: PA; Zip Code: 18773	City; State; Zip Code

C PROPERTY LOCATION

Street Address	City, Township, Borough
R. D. #1, Box 17B, Meadow Run Road Oak Hill Park	Bear Creek Township

County	School District	Tax Parcel Number
Luzerne	Wilkes-Barre Area	Plate No. 4-315-2-D1

D VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
$1.00	+ 0	=$1.00
4. County Assessed Value	**5. Common Level Ratio Factor**	**6. Fair Market Value**
$8,450.00	x9.71	=$82,049.50

E EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed
100%	100%

2. Check Appropriate Box Below for Exemption Claimed

- ☐ Will or intestate succession _____ (Name of Decedent) _____ (Estate File Number)
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to agent or straw party. (Attach copy of agency/straw party agreement).
- ☐ Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed $ _____
- ☐ Transfers to the Commonwealth, the United States, and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).
- ☐ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number _____, Page Number _____.
- ☐ Corrective deed (Attach copy of the prior deed).
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles).
- ☒ Other (Please explain exemption claimed, if other than listed above.) This transaction evidences a reconveyance of propert from a lender to a debtor subsequent to a foreclosu

The Bankrupty Court Order by Judge Gibbons has determined that the initial foreclosure transaction was void ab initio a matter of law and, therefore, is not subject to the transfer tax (Sabatine v. Commonwealth 442 A.2d 210)

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party	Date
ROSENN, JENKINS & GREENWALD BY: ROBERT SPIELMAN, ESQUIRE	

(SEE REVERSE)